

AMENDMENT

Ser. No. 09/675,921 filed September 29, 2000, Andrew Harvey et al.

Docket No. 50325-0126

REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 1, 3-5, 12, 13, 15-17, 22, 24-28, and 30-32 have been amended. Claims 1-33 are pending in this application. The amendments to the claims do not add any new matter to this application. Each pending claim is in condition for allowance over the cited art because one or more elements of each pending claim is not disclosed, taught, or suggested by the cited art.

I. The rejection under 35 U.S.C. § 112

Claim 32 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Claim 32 has been amended to provide correct antecedent basis. Applicants respectfully request withdrawal of this rejection.

II. The rejection under 35 U.S.C. § 101

Claims 1, 12-13, 15-17, 22, 24-28 and 30-31 stand rejected under 35 U.S.C. § 101 as allegedly lacking patentable utility. In particular, the Office Action states on Page 2, paragraph 4 that "the claim limitation states zero or more parameters. Configuring zero parameters is equivalent to a device that does no configuring and has no utility."

Without acceding to the rejection, claims 1, 12-13, 15-17, 22, 24-28 and 30-31 have been amended to require "one or more parameters" in order to obtain an expeditious allowance. Applicants reserve the right to pursue claims requiring "zero or more parameters" in a Continuation application.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 101.

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II. The rejection under 35 U.S.C. § 103(a)

A. Claims 1-31

Claims 1-3 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,195,694 to Chen et al. in view of Tittel et al. (XML for Dummies). Claims 4-5 and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chen* and *Tittel*, further in view of U.S. Pat. No. 5,832,503 to Malik et al. Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chen*, *Tittel*, and *Malik*, in further view of U.S. Pat. No. 5,790,789 to Suarez. Claims 17-31 are rejected on the same basis as claims 1-16.

The rejection is herein respectfully traversed.

Original claim 3 required “providing the configuration information to the network device over a reliable transport protocol that assures the entire configuration information is received at the network device.” The Examiner interprets original claim 3 in paragraph 6(c) on page 4 of the Office Action as requiring reliable transport of configuration information to the network device, without addressing the limitation of assuring the entire configuration information is received at the network device. The Examiner asserts that it is well-known in the art that HTTP can communicate over TCP/IP to increase reliability. However, as the Applicants state in the subject application at Page 15, lines 6-7, “With HTTP carried over TCP, message streams are reliable but there are no message boundaries.” The claimed invention goes further than just assuring reliable transport over TCP. As further described in the subject specification at Page 15, lines 8-10, “the XML configuration information may include beginning and ending tags that delimit the configuration information. By checking for the presence of the beginning and ending tags, Configuration Agent 200 can verify that it has received all the XML configuration information.” This is an important feature, as using Telnet to send configuration commands may introduce undesirable failure modes. For example, if a Telnet connection is opened, and 15 commands

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need to be sent to a device, but the connection drops unexpectedly after only 8 commands are sent, the device may enter an undefined state, exhibit errors, receive inconsistent instructions or otherwise become unusable. (See present specification, page 2, lines 17-22.) If an incomplete stream is received by the device, however, the configuration agent might not attempt to re-configure the device and may just cause an error message to be displayed, thereby avoiding entering an undefined state.

The claims have been amended to clarify this feature. Claim 1 has been amended to clarify that the configuration information comprises “one or more XML tags that delimit a beginning and an ending of the configuration information.” Claim 3 has been amended to clarify that the network device ensures that all of the configuration information is received by checking the one or more XML tags that delimit a beginning and an ending of configuration information.

The cited references merely teach communicating HTTP over TCP/IP, and do not address the issue of ensuring an entire XML configuration is received at a network device. It is therefore respectfully submitted that independent Claims 1, 17, 24, 26-28 and 30 are not taught or suggested by the cited prior art.

Dependent claims 2-16, 18-23, 25 and 31 all include this limitation of the independent claims by virtue of their dependence. It is therefore respectfully submitted that Claims 2-16, 18-23, 25 and 31 are patentable over the cited art for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that dependent claims 2-16, 18-23, 25 and 31 recite additional limitations that independently render them patentable over the cited art.

For example, claim 14 requires “parsing one or more configuration commands within the configuration information using a parser of an operating system that is executed by the network device.” The Examiner asserts at Page 9, paragraph (h) of the Office Action that *Tittel* teaches a validating parser validates the document and passes it to the browser if valid. However, *Tittel*

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does not teach or suggest using any type of operating system parser within or executed by a network device, as require by claim 14. Nowhere in *Tittel* is it suggested that a validating parser is part of an operating system executed by a network device. Claim 14 differs from *Tittel* by re-using a network device OS parser for other than its conventional purpose.

As another example, claims 15-16 require “determining that a partial configuration should be sent to one or more network devices” and claims 6-7 require “providing the configuration information to a plurality of network devices. The Examiner cites Col. 2, lines 25-30 as teaching these limitations (Office Action, Page 9, paragraph 7(i) and Page 10, paragraph 8(j)). This cited section of *Malik* only teaches that “multiple configuration records may be transferred to multiple models in the database, for reconfiguring multiple network devices.” (Emphasis added). Storing multiple configuration records in a database is not equivalent to providing configuration information to a plurality of network devices. The multiple models in the database in *Malik* can be used to reconfigure multiple devices, but *Malik* does not teach actually providing one set of configuration information to multiple network devices.

In view of the foregoing, it is respectfully submitted that Claims 1-31 are patentable over the cited references. Accordingly, reconsideration and withdrawal of the rejection of Claims 1-31 under 35 U.S.C. § 103(a) is respectfully requested.

B. Claims 32-33

Claims 32-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,370,163 to Shaffer et al. in view of *Malik*.

This rejection is herein respectfully traversed.

Claim 32 is directed to configuring a computer program application, as described in the present specification at page 46. Claim 32 requires “receiving a request for network topology

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information from the computer program application.” The section of *Shaffer* cited in the Office Action (Col. 6, lines 42-45) teaches an IP telephone transmitting a network topology query to a server. *Shaffer* teaches at Col. 4, lines 15-17 that IP telephones can be telephony-enabled computers. However, nowhere is it suggested that an IP telephone is a computer program application, as required by claim 32.

Furthermore, claim 32 requires “providing resolved configuration information to a configuration agent within the computer program application that is configured to re-configure the application to operate with the then-current network information.” Even if IP telephone could be considered to be a “computer program application”, nowhere in *Shaffer* is a configuration agent within the computer program application taught or suggested.

It is therefore respectfully submitted that Claims 32-33 are not taught or suggested by *Shaffer* and *Malik*, alone or in combination, and are patentable over *Shaffer* and *Malik*.

Accordingly, reconsideration and withdrawal of the rejection of Claims 32-33 under 35 U.S.C. § 103(a) is respectfully requested.

III. Conclusion

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

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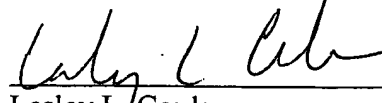
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The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. Please charge any shortages in fees to Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: May 4, 2004



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on May 4, 2004 by Tracy Reynolds